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Counsel for Plaintiffs and the Proposed Class

[Additional Counsel on Signature Page]

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES LEBINSKI, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

INTUIT, INC.,

Defendant.

Case No. 5:15-cv-02209-EJD

CLASS ACTION

**NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

Courtroom 4, 5th Floor
Hon. Judge Edward J. Davila

Plaintiff James Libinski filed his class action complaint on May 15, 2015. He now intends to pursue his claims as a plaintiff or proposed class member in the consolidated action *In re Intuit Data Litigation*, No. 15-cv-01778-EJD, as ordered by the Court on August 24, 2015 (Dkt. 29).

Accordingly, Plaintiff voluntarily dismisses this action without prejudice. *See* Fed. R. Civ. P. 41(a)(1)(A)(i) (“[T]he plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment . . .”).

Plaintiff has conferred with Defendant, and the parties agree that Federal Rule of Civil Procedure 41(d) does not apply under the circumstances of this dismissal.

The Clerk shall close this file. All pending deadlines and hearings are terminated.

1 Dated: September 2, 2015

Respectfully submitted,

2 BERMAN DEVALERIO

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4 By: /s/ Todd A. Seaver

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